

REMARKS

Applicants and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner. Claims 1-19 were pending in the instant application at the time of the outstanding Office Action. Claims 4-6 and 13-15 are canceled herein, with their subject matter being incorporated into the independent claims. Claims 1, 10 and 19 are independent claims; the remaining claims are dependent claims.

Objections have been made to the specification, Claims 1-9 have been rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter, and Claims 1-19 have been rejected under 35 U.S.C. § 112, Paragraph 2, for various informalities. It is respectfully submitted that the amendments to the claims and to the specification as presented herein are sufficient to overcome these objections and rejections.

Claims 1, 10 and 19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,415,259 (Wolfinger); while Claims 1-3, 10-12 and 19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,721,824 (Taylor). Claims 4-9 and 13-18 stand rejected under 35 U.S.C. § 103(a) as being obvious in light of Wolfinger in combination with Taylor.

All of the pending claims as amended herein now depend from (and thus incorporate the subject matter of) Claims 1, 10 and 19 to require *"determining operating state transitions that are imposed on software artifacts of the system by execution of the tasks; ... whereby the duration of a system service outage caused by a change plan may be determined"*. (See, e.g., Specification at Page 2, lines 11-19; Page 3, line 16 - Page 4,

line 5; and Page 8, line 1 - Page 9, line 4. *See also e.g., FIGS.1-4.*) These claimed features are not taught or suggested by Wolfinger either alone or in combination with Taylor (or any other cited reference).

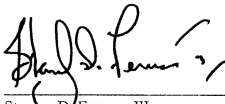
Applicants are not conceding in this application the claims amended herein are not patentable over the art cited by the Examiner, as the present claim amendments are only for facilitating expeditious prosecution. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications. Applicants specifically state no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

In view of the foregoing, it is respectfully submitted that independent Claims 1, 10 and 19 fully distinguish over the applied art and are thus allowable. By virtue of dependence from Claims 1, 10 and 19, it is thus also submitted that Claims 2-3, 7-9, 11-12, and 16-18 are also allowable at this juncture.

The "prior art made of record" has been reviewed. Applicants acknowledge that such prior art was not deemed by the Office to be sufficiently relevant as to have been applied against the claims of the instant application. To the extent that the Office may apply such prior art against the claims in the future, Applicants will be fully prepared to respond thereto.

In summary, it is respectfully submitted that the instant application, including Claims 1-3, 7-12 and 16-19, is presently in condition for allowance. Notice to that effect is hereby earnestly solicited. If there are any further issues in this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stanley D. Ference III", written over a horizontal line.

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